

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 13th day of May 2008, there was conducted a REGULAR Meeting of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:

PRESENT:

5:00 P.M.

CARLOS H. CASCOS, CPA
COUNTY JUDGE

SOFIA C. BENAVIDES
COMMISSIONER PRECINCT NO. 1

COMMISSIONER PRECINCT NO. 2

DAVID A. GARZA
COMMISSIONER PRECINCT NO. 3

EDNA TAMAYO
COMMISSIONER PRECINCT NO. 4

JOE G. RIVERA
COUNTY CLERK

Aide A. Trejo Deputy Clerk

ABSENT:
JOHN WOOD



The meeting was called to order by Judge Cascos at 5:06 P.M. He asked Pastor Charles Sharrow for the invocation. Mr. Pete Sepulveda, County Administrator, then led the Court and audience in reciting the Pledge of Allegiance and the Pledge of Allegiance to the State Flag.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on May 9, 2008 at 11:13 A.M.:

(4) CONSENT ITEMS.

(N) CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFQ'S FOR: (MF-PURCHASING)

a. CONSTRUCTION OF WATERLINE IMPROVEMENTS FOR BEDDOES AVENUE, OLMITO, TEXAS – BID #080401

Commissioner Tamayo motioned to approve the Authorization to Open the BIDS/RFP'S/RFQ'S for Construction of Waterline Improvements for Beddoes Avenue, Olmito, Texas – Bid #080401.

The motion was seconded by Commissioner Benavides and carried unanimously.

(O) CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING: (MF-PURCHASING)

a. LETTER OF INTEREST: FAMILY VIOLENCE PREVENTION ORGANIZATIONS (FAMILY PROTECTION ACCOUNT FUNDS)

Commissioner Benavides motioned to approve the Authorization to Open the Letter of Interest: Family Violence Prevention Organizations (Family Protection Account Funds).

The motion was seconded by Commissioner Tamayo and carried unanimously.

(Q) CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFQ'S FOR: (MF-PURCHASING)

a. OCCUPANCY INSURANCE FOR COUNTY INTERNATIONAL BRIDGES – ANNUAL RFP #1458

Commissioner Tamayo motioned to approve the Authorization to Open the BIDS/RFP'S/RFQ'S for Occupancy Insurance for County International Bridges – Annual RFP #1458.

The motion was seconded by Commissioner Benavides and carried unanimously.

(S) CONSIDERATION AND AUTHORIZATION TO RENEW THE FOLLOWING BIDS/RFP'S FOR ONE (1) ADDITIONAL YEAR:

a. AUDIT OF TELEPHONE & BILLS – ANNUAL BID #1221-3A (CACC, INC.)

Commissioner Tamayo motioned to approve the Authorization to Renew the BIDS/RFP'S/RFQ'S for One (1) Additional Year for Audit Of Telephone & Bills – Annual Bid #1221-3A (CACC, Inc.).

The motion was seconded by Commissioner Benavides and carried unanimously.

The Documentation is as follows:

EXECUTIVE SESSION

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Court met in Executive Session at 5:09 P.M. to discuss the following matters:

(1) EXECUTIVE SESSION:

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING FIRE DAMAGE AT DIRTY AL'S RESTAURANT AND POSSIBLE CONTRACT ISSUES WITH DIRTY AL'S, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (2).**
- (B) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 17, FOR RIGHT OF WAY FOR THE WEST RAIL PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Court reconvened into Regular Session at 5:19 P.M. to discuss the following matters:

NOTE: Commissioner Garza joined the meeting after the Court returned from Executive Session.

(2) ACTION RELATIVE TO EXECUTIVE SESSION:

- (A) CONFER WITH COMMISSIONERS' COURT LEGAL COUNSEL CONCERNING FIRE DAMAGE AT DIRTY AL'S RESTAURANT AND POSSIBLE CONTRACT ISSUES WITH DIRTY AL'S, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.071 (2).**

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, the Report by Legal Counsel was acknowledged.

- (B) DELIBERATION REGARDING REAL PROPERTY CONCERNING ACQUISITION OF PARCEL 17, FOR RIGHT OF WAY FOR THE WEST RAIL PROJECT, PURSUANT TO V.T.C.A. GOVERNMENT CODE, SECTION 551.072.**

Upon motion by Commissioner Tamayo, seconded by Commissioner Benavides and carried unanimously, authorization to proceed along the terms and conditions as discussed in Executive Session was approved.

(3) PUBLIC COMMENTS.

Ms. Merriwood Ferguson thanked the County Judge for sending letters to Senators requesting a moratorium regarding the proposed border wall. She asked the Court to cease negotiations with the Department of Homeland Security and to table Action Item No. 6 (F) concerning the engineering and consulting services for levee improvements.

Judge Cascos noted that the levee improvements done by the International Boundary & Water Commission are not holding as 2 inches of rain has eroded some of the repairs.

Dr. Eloisa Tamez read the following statement opposing the retaining wall enhancements to the levee as an alternative to the border wall.

Mr. Francisco Solis Garcia Jr. read the following statement regarding the marketing of the border wall.

Ms. Sarah Bishop Merrill expressed concern for the lack of hydrological studies as Secretary Michael Chertoff has waived all laws under the Secure Fence Act.

Mr. Bob Lucio, owner of Fort Brown Memorial Golf Course, expressed opposition to the border wall and stated that the proposed wall has already begun to affect his business. He asked the Court to be more vocal against the border wall.

Commissioner Benavides stated that she will be mailing out letters to landowners in Precinct 1 that will be affected by the border wall inviting them to a meeting with DHS officials.

Commissioner Garza commented on how the Court has been vocal for the past (2) years against the border wall.

Commissioner Tamayo added that the Court is trying to salvage the situation as best they can.

Ms. Michelle Moncivaiz informed the Court that she has written over (50) letters opposing the border wall to City, County and State officials as well as the Border Patrol and has received no correspondence in return. She asked the Court to use their influence to further vocalize opposition to the border wall.

Ms. Dorothy Irwin commented on how there is much opposition to the border wall yet no one seems to be discussing the reason the wall is being constructed.

Judge Cascos presented and read a Resolution declaring May 2008 as Elder Abuse Prevention Month in Cameron County.

The Documentation is as follows:

CONSENT ITEMS

- (4) **ALL ITEMS UNDER THE CONSENT AGENDA ARE HEARD COLLECTIVELY UNLESS OPPOSITION IS PRESENTED, IN WHICH CASE THE CONTESTED ITEM WILL BE CONSIDERED, DISCUSSED, AND APPROPRIATE ACTION TAKEN SEPARATELY.**

Commissioner Benavides moved to approve the "Consent and Travel Items", excluding Consent Items No. 4 (N), (O), (Q) and (S).

The motion was seconded by Commissioner Tamayo and carried unanimously.

- (A) **CONSIDERATION AND AUTHORIZATION FOR PRELIMINARY PLAT APPROVAL FOR HIGH RABB SUBDIVISION, PCT. 4, 10.80 ACRES OF LAND OUT OF BLOCK 48, COLLINS SUBDIVISION, CAMERON COUNTY, TEXAS. (EH-CCDoT)**

The Documentation is as follows:

- (B) **CONSIDERATION AND AUTHORIZATION TO INITIATE THE DRAWING PROCESS ON LETTER OF CREDIT FOR BLUM ESTATES SUBDIVISION, PCT. 1, FOR UNBUILT WATER WELLS AND SEPTIC SYSTEMS. (EH-CCDoT)**

The Documentation is as follows:

- (C) **CONSIDERATION AND AUTHORIZATION TO RELEASE THE FINANCIAL GUARANTEE FOR SEPTIC SYSTEMS INSTALLATION FOR J&V SUBDIVISION, PCT. 4. (EH-CCDoT)**

The Documentation is as follows:

- (D) **CONSIDERATION AND APPROVAL TO PAY PROFESSIONAL ENGINEER LICENSE RENEWAL FEE FOR ERNESTO E. HINOJOSA, P.E., STAFF ENGINEER. (EH-CCDoT)**

The Documentation is as follows:

- (E) **CONSIDERATION AND APPROVAL OF RECLASSIFICATION OF JOB TITLES WITHIN THE PUBLIC WORKS DIVISION 150-6210 FOR THE FOLLOWING SLOTS: (LHA-CCDoT)**

- a. **#8 TO EQUIPMENT OPERATOR**
- b. **#9 TO EQUIPMENT OPERATOR**
- c. **#25 TO EQUIPMENT OPERATOR**
- d. **#50 TO ASSISTANCE MAINTENANCE FOREMAN**
- e. **#60 TO EQUIPMENT OPERATOR**
- f. **#81 TO EQUIPMENT OPERATOR**

The Documentation is as follows:

- (F) **CONSIDERATION AND AUTHORIZATION TO SUBMIT APPLICATION BY THE DISTRICT ATTORNEY'S OFFICE FOR THE TOBACCO COMPLIANCE GRANT. (AV-DISTRICT ATTORNEY)**

The Documentation is as follows:

- (G) **CONSIDERATION AND AUTHORIZATION TO REJECT BIDS AND UTILIZE THE BUY BOARD FOR THE PURCHASE OF SEDANS – (QTY. 3) AND PICK-UP TRUCK ½ TON (QTY -1). (AV-DISTRICT ATTORNEY)**

The Documentation is as follows:

- (H) **CONSIDERATION AND APPROVAL OF PROCLAMATION DECLARING THE WEEK OF MAY 25-31, 2008 AS "HURRICANE AWARENESS WEEK". (JC-EMERGENCY MANAGEMENT) (Resolution No. 2008R05052)**

The Proclamation is as follows:

- (I) **CONSIDERATION AND AUTHORIZATION TO ENTER INTO THREE (3) YEAR SERVICE AGREEMENT WITH GLOBAFONE FOR VOICE SERVICE FEES AND AIRTIME MINUTES FOR AN**

IRIDIUM SATELLITE CELLULAR PHONE FOR THE CAMERON COUNTY JUDGE'S DIVISION OF EMERGENCY MANAGEMENT. (JC-EMERGENCY MANAGEMENT) (Contract No. 2008C05146)

The Contract is as follows:

- (J) **CONSIDERATION AND APPROVAL OF HEALTH BENEFITS PLAN TO BE PUBLISHED BY BLUE CROSS BLUE SHIELD WITH NO CHANGES. (MV-HUMAN RESOURCES)**
The Documentation is as follows:
- (K) **CONSIDERATION AND POSSIBLE APPROVAL OF CONTRACT WITH ROCHESTER ARMORED CAR CO., INC. TO PROVIDE DELIVERY AND PICK UP OF COUNTY DEPOSITS. (DJV-LEGAL) (Contract No. 2008C05151)**
The Contract is as follows:
- (L) **CONSIDERATION AND POSSIBLE APPROVAL OF COLLATERAL ASSIGNMENT OF CONCESSION AGREEMENTS BY SPI WATERPARK IN FAVOR OF THE FROST NATIONAL BANK AND ESTOPPEL CERTIFICATE. (DJV-LEGAL) (Contract No. 2008C05148)**
The Contract is as follows:
- (M) **CONSIDERATION AND POSSIBLE APPROVAL OF ATTORNMENT/NON-DISTURBANCE AGREEMENT REGARDING CONCESSION AGREEMENTS BETWEEN CAMERON COUNTY AND FROST NATIONAL BANK. (DJV-LEGAL) (Contract No. 2008C05149)**
The Contract is as follows:
- (N) **CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFQ'S FOR: (MF-PURCHASING) (ACTION TAKEN SEPARATELY)**
a. **CONSTRUCTION OF WATERLINE IMPROVEMENTS FOR BEDDOES AVENUE, OLMITO, TEXAS – BID #080401**
- (O) **CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING: (MF-PURCHASING) (ACTION TAKEN SEPARATELY)**
a. **LETTER OF INTEREST: FAMILY VIOLENCE PREVENTION ORGANIZATIONS (FAMILY PROTECTION ACCOUNT FUNDS)**
- (P) **CONSIDERATION AND AUTHORIZATION TO ALLOW FOR OPEN MARKET PRICE INCREASES ON ANNUAL BID #2430 – MOSQUITO INSECTICIDE – ITEMS 9 & 10. (MF-PURCHASING)**
The Documentation is as follows:
- (Q) **CONSIDERATION AND AUTHORIZATION TO OPEN THE FOLLOWING BIDS/RFP'S/RFQ'S FOR: (MF-PURCHASING) (ACTION TAKEN SEPARATELY)**
a. **OCCUPANCY INSURANCE FOR COUNTY INTERNATIONAL BRIDGES – ANNUAL RFP #1458**
- (R) **CONSIDERATION AND AUTHORIZATION TO ADVERTISE FOR THE FOLLOWING BIDS/RFP'S/RFQ'S: (MF-PURCHASING)**
a. **PROPERTY AND CASUALTY INSURANCE: PROPERTY, MOBILE EQUIPMENT, ELECTRONIC DATA PROCESSING – RFP #1464 AND APPROVAL OF RFP.**
The Documentation is as follows:
- (S) **CONSIDERATION AND AUTHORIZATION TO RENEW THE FOLLOWING BIDS/RFP'S FOR ONE (1) ADDITIONAL YEAR: (ACTION TAKEN SEPARATELY)**
a. **AUDIT OF TELEPHONE & BILLS – ANNUAL BID #1221-3A (CACC, INC.)**
- (T) **CONSIDERATION AND AUTHORIZATION TO AWARD BID'S/RFP'S/RFQ'S FOR THE FOLLOWING: (MF-PURCHASING)**
a. **ROAD MATERIALS: EMULSION OILS – ANNUAL BID #2540**
- (U) **CONSIDERATION AND AUTHORIZATION TO AWARD BID'S/RFP'S/RFQ'S FOR THE FOLLOWING: (MF-PURCHASING)**
a. **ROAD MACHINERY & FARM IMPLEMENT O.E.M. PARTS – ANNUAL BID # 2507**

The Documentation is as follows:

- (V) CONSIDERATION AND APPROVAL TO REMOVE ROBERT (ROB) ALMON ON THE GENERAL CLAIMS ACCOUNT #51330490 AND THE PAYROLL FUND #51330504, AND ANY OTHER ACCOUNTS THAT HE SIGNED ON WITH TEXAS STATE BANK. (DAB-TREASURER) (Resolution No. 2008R05051)
The Documentation is as follows:

TRAVEL ITEMS

- (5) CONSIDERATION AND AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSE FOR THE FOLLOWING (PLEASE NOTE: TRAVEL REQUESTS ARE SUBJECT TO ALL APPLICABLE COUNTY POLICIES):
- (A) CONSTABLE PRECINCT 4 STAFF (5) TO TRAVEL TO AUSTIN, TEXAS, ON 5/23/08, TO ATTEND THE ONE-DAY COURTROOM SECURITY WORKSHOP SEMINAR.
 - (B) COUNTY CLERK'S STAFF (2) TO TRAVEL TO HORSESHOE BAY, TEXAS, ON 5/27 TO 5/29/08, TO ATTEND THE "GCAT 9TH ANNUAL CONFERENCE & WORKSHOP".
 - (C) EXTENSION OFFICE STAFF (2) TO TRAVEL TO LAREDO, TEXAS, ON 5/19/08, TO ATTEND THE FAMILY AND CONSUMER SCIENCE CONFERENCE.
 - (D) EXTENSION OFFICE STAFF (1) TO TRAVEL TO CHARLESTON, SOUTH CAROLINA, ON 6/4 TO 6/8/08, TO ATTEND THE HAZARDOUS ALGAL BLOOM MICROSCOPY COURSE.
 - (E) HUMAN RESOURCES STAFF (2) TO TRAVEL TO AUSTIN, TEXAS, ON 5/13 TO 5/16/08, TO ATTEND THE 2008 COUNTY MANAGEMENT INSTITUTE.
 - (F) JUSTICE OF THE PEACE PRECINCT 4 STAFF (1) TO TRAVEL TO AUSTIN, TEXAS, ON 5/22 TO 5/23/08, TO ATTEND COURTROOM SECURITY WORKSHOP.
 - (G) TREASURER TO TRAVEL TO DALLAS, TEXAS, ON 6/17 TO 6/20/08, TO ATTEND COUNTY INVESTMENT OFFICER (CIO) TRAINING.

- (A) **CONSIDERATION AND AUTHORIZATION FOR PRELIMINARY PLAT APPROVAL FOR HIGH RABB SUBDIVISION, PCT. 4, 10.80 ACRES OF LAND OUT OF BLOCK 48, COLLINS SUBDIVISION, CAMERON COUNTY, TEXAS. (EH-CCDoT)**
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 - e. #60 TO EQUIPMENT OPERATOR**
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- (R) CONSIDERATION AND AUTHORIZATION TO ADVERTISE FOR THE FOLLOWING BIDS/RFP'S/RFQ'S: (MF-PURCHASING)**
- a. PROPERTY AND CASUALTY INSURANCE: PROPERTY, MOBILE EQUIPMENT, ELECTRONIC DATA PROCESSING – RFP #1464 AND APPROVAL OF RFP.**
- The Documentation is as follows:**

- (U) CONSIDERATION AND AUTHORIZATION TO AWARD BID'S/RFP'S/RFQ'S FOR THE FOLLOWING:
(MF-PURCHASING)**
- a. ROAD MACHINERY & FARM IMPLEMENT O.E.M. PARTS – ANNUAL BID # 2507**
The Documentation is as follows:

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The Documentation is as follows:

ACTION ITEMS

(6) ACTION ITEMS.

**(A) BUDGET AMENDMENTS, LINE ITEM TRANSFERS
AND/OR SALARY SCHEDULES.**

Mr. Xavier Villarreal, Budget Officer, asked the Court to TABLE the “Andy Bowie Park” and the “Parks” Line Item Transfers on page 3 of the provided documentation.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, the Budget Amendments, Line Item Transfers and/or Salary Schedules were approved, tabling the Line Item Transfers as noted.

The Budget Amendments, Line Item Transfers and/or Salary Schedules are as follows:

(B) APPROVAL OF CLAIMS.

Commissioner Garza moved to approve the Claims.

The motion was seconded by Commissioner Tamayo and carried as follows:

AYE: Commissioner Garza, Commissioner Tamayo and Commissioner Benavides

NAY: None

ABSTAIN: Judge Cascos as to Warrant No. 00200436, made payable to Harlingen Waterworks System, in the amount of \$580.99 and Warrant No. 00200504, made payable to Public Utilities Board, in the amount of \$119,256.78

The Claims and Affidavits are as follows:

(C) APPROVAL OF MINUTES FOR:

APRIL 15, 2008 – REGULAR MEETING

Upon motion by Commissioner Benavides, seconded by Commissioner Garza and carried unanimously, the Minutes for the April 15, 2008- Regular Meeting, was approved.

(D) CONSIDERATION AND ACTION FOR COMMISSIONERS' COURT TO ADD ANOTHER MEMBER TO THE TOBACCO SETTLEMENT FUND COMMITTEE. (COMM. COURT)

Commissioner Tamayo motioned to add Dr. Maria Gill as a member to the Tobacco Settlement Fund Committee.

The motion was seconded by Commissioner Garza and carried unanimously.

(E) DISCUSSION AND POSSIBLE ACTION REGARDING A REPORT FROM THE BROWNSVILLE URBAN SYSTEM ON FISCAL YEAR 2007 PUBLIC TRANSPORTATION SERVICES TO CAMERON COUNTY AND APPROVAL OF MEMORANDUM OF UNDERSTANDING. (PSJ-ADMINISTRATOR) (Contract No. 2008C06163)

Commissioner Benavides motioned to acknowledge the Report from the Brownsville Urban System on Fiscal Year 2007 Public Transportation Services to Cameron County and to approve the Memorandum of Understanding, subject to clarification as to the amount of funding and when the funding is needed.

The motion was seconded by Commissioner Tamayo and carried unanimously.

The Documentation is as follows:

(F) DISCUSSION AND POSSIBLE ACTION REGARDING THE RFQ'S (RFQ NO. 080402) RECEIVED FOR ENGINEERING/CONSULTING SERVICES FOR LEVEE IMPROVEMENTS. (PSJ-ADMINISTRATOR)

Mr. Pete Sepulveda, County Administrator, stated that staff recommendation is to award the RFQ to Dos Logistics Inc. and asked that the Court authorize staff to negotiate a contract.

Commissioner Garza motioned to award the RFQ to Dos Logistics Inc. as per staff recommendation and to authorize staff to negotiate a contract.

The motion seconded by Commissioner Tamayo and carried unanimously.

(G) CONSIDERATION AND AUTHORIZATION TO ALLOW THE COUNTY JUDGE TO SIGN LETTER ADDRESSED TO DEPARTMENT OF ARMY, CORP OF ENGINEERS DIVISION ALLOWING CONTRACTOR TO PERFORM WORK ON COUNTY LAND IN ACCORDANCE WITH INTERLOCAL AGREEMENT NO. 2006C11079 IN ANDY BOWIE PARK FOR THE SOUTH PADRE ISLAND BIRDING AND NATURE CENTER. (JM-PARKS)

Mr. Javier Mendez, Parks Director, informed the Court that that Army Corp of Engineers cannot award the mitigation credits to Cameron County.

Upon motion by Commissioner Garza, seconded by Commissioner Tamayo and carried unanimously, Authorization to allow the County Judge to sign a letter addressed to Department of Army, Corp of Engineers Division allowing the Contractor to perform work on County Land in accordance with Interlocal Agreement No. 2006C11079 in Andy Bowie Park for the South Padre Island Birding and Nature Center was approved.

The Documentation is as follows:

(H) CONSIDERATION AND AUTHORIZATION TO GRANT PERMISSION TO THE TOWN OF SOUTH PADRE ISLAND TO ENTER AND EXIT E.K. ATWOOD PARK WITHOUT THE CHARGE OF THE DAY USE FEE. (JM-PARKS) (TABLED)

Commissioner Tamayo motioned to table this item.

The motion was seconded by Commissioner Garza and carried unanimously.

(I) DISCUSSION AND POSSIBLE ACTION REGARDING THE COUNTY'S STATE AND FEDERAL LEGISLATIVE AGENDA. (PSJ-ADMINISTRATOR) (NO ACTION TAKEN)

Mr. David Garcia, Deputy County Administrator, informed the Court that on May 20, 2008 the Senate Transportation Committee will be holding hearings in McAllen and one of the topics that will be discussed is structurally deficient bridges across Texas. He added that the Bi-national Bridges and Border Crossings Meeting will be held in Monterrey, Mexico the first week of June.

Mr. Garcia stated that a visit has been organized in Austin on May 23, 2008 with County representatives, City representatives, members of the Port of Brownsville, Representative Oliveira and Representative Lucio to discuss legislation regarding the overweight permit corridor.

There being no further business to come before the Court, upon motion by Commissioner Tamayo, seconded by Commissioner Garza and carried unanimously, the meeting was **ADJOURNED** at 7:25 P.M.

APPROVED this 3rd day of **June 2008**

CARLOS H. CASCOS, CPA
COUNTY JUDGE

ATTEST:

JOE G. RIVERA,
COUNTY CLERK AND EX-OFFICIO CLERK
OF THE COMMISSIONERS' COURT OF
CAMERON COUNTY, TEXAS